

MuckRock News
DEPT MR 52115
411A Highland Ave
Somerville, MA 02144-2516
52115-64470032@requests.muckrock.com

Environmental Protection Agency
FOIA Office
1200 Pennsylvania Avenue Northwest
Washington, DC 20004

April 9, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I am filing a Freedom of Information Act request for the following records:

1. Written notices of reassignments sent to Environmental Protection Agency (EPA) Senior Executive Service members from January 20, 2017 to the date this request is processed.
2. Written consent waivers for reassignments sent by Senior Executive Service members.
3. Human Resources documents stating that new personnel are being appointed by EPA Administrator Scott Pruitt under the Safe Drinking Water Act (42 U.S.C. § 300j-10 available at <https://www.law.cornell.edu/uscode/text/42/300j%E2%80%9310>).

I would prefer the request be filled electronically, by e-mail attachment if available or CD-ROM if not. Please produce the records on a rolling basis; at no point should the search for – or deliberation concerning – certain records delay the production of others that the agency has already retrieved and elected to produce.

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii). The Sierra Club is a national environmental nonprofit with no commercial interest in obtaining the requested information. Instead, our organization intends to analyze and disseminate the requested information free of charge so that the public can meaningfully participate in debates over proper personnel management practices happening at the EPA and other federal agencies.

The subject matter of the requested records is likely to contribute significantly to public understanding of the operations and activities of the government by disclosing how federal agencies plan to use some of their most-experienced employees, which programs are being deprioritized by the agency, and which employees were appointed through a law that provides the administrator with unusually wide hiring discretion.

This information would contextualize a major report by the Atlantic (<https://www.theatlantic.com/politics/archive/2018/04/pruitt-epa/557123/>) that two staff members were essentially given raises by reappointment via the Safe Drinking Water Act. Administrator Pruitt claimed that he found out about the raises this week (<http://www.foxnews.com/transcript/2018/04/05/epa-chief-pruitt-addresses-criticism-in-fox-news-interview.html>), but that is contradicted by two unnamed EPA officials and a White House official in the Washington

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Post (<https://wapo.st/2uMjjp7>). Disclosure of these documents would answer a contested question amongst federal employees.

The reassignment information will aide a separate breaking news story. The New York Times (<https://nyti.ms/2EnPGKf>) claims that several EPA employees were reassigned after expressing their concerns about excessive spending.

The Sierra Club and its supporters have demonstrated interest and expertise in the subject area, and the organization maintains active work around drinking water quality. The healthy and productive operation of the EPA is of great concern to us, and we have weighed in repeatedly regarding policies that we believe would negatively impact the EPA's effective operations.

In addition to the public interest fee waiver, I ask to be properly categorized as a representative of the news media. The bulk of my professional duties at the Sierra Club entails planning and writing content about public policy, including composing mass communications to our followers, analyzing FOIA responses, and coordinating press outreach. I have previously written about the federal government's work to reorganize its staff:

<https://sierraclub.org/planet/2017/05/trump-admin-policies-leave-700-cdc-jobs-vacant>
<https://sierraclub.org/planet/2017/04/hiring-freeze-prevented-epa-filling-hundreds-jobs>

This work, supplemented by Freedom of Information Act requests, was covered in major media outlets:

<https://www.washingtonpost.com/news/to-your-health/wp/2017/05/19/nearly-700-vacancies-at-cdc-because-of-trump-administration-hiring-freeze/>
<http://www.cnn.com/2017/04/13/politics/epa-hiring-freeze/index.html>

The Sierra Club has the ability and intention to disseminate the information it receives through this request. The information may be shared through emails to an audience reaching into the millions, Facebook and Twitter posts reaching tens of thousands of followers, articles on our often-visited website, and analysis provided to the media.

In the event that there are fees, please inform me of the total charges in advance of fulfilling my request. Please also include an explanation of why I was not granted the fee waivers and/or reductions.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Alexander Rony
Sierra Club

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On April 6, 2018:
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